

4. Claimant is without sufficient knowledge to form a belief as to the truth of the allegation that the United States Department of Agriculture's Undersecretary for Food Safety has delegated to the Administrator of USDA's Food Safety and Inspection Service the authority to administer and enforce the Meat and Poultry Acts. Therefore, Claimant denies the allegations in Paragraph 4.

5. Claimant admits the allegations in Paragraph 5.

6. Claimant admits the allegations in Paragraph 6 except for the averment that this action is authorized by 21 U.S.C. §§ 467a and 672. Claimant asserts that said allegation is a legal conclusion to which no response is required. To the extent the Court requires a response, Claimant asserts that the statutes referenced in Paragraph 6 speak for themselves and therefore Claimant denies Plaintiff's allegations.

7. Claimant admits the allegations in Paragraph 7.

8. Claimant denies that violations of the Meat Act and the Poultry Act occurred. Claimant admits the remaining allegations.

9. Claimant has no response to the request made in Paragraph 9.

FACTUAL ALLEGATIONS

The Permanent Injunction Action and Order

10. Claimant admits the allegations in Paragraph 10.

11. Claimant admits the allegations in Paragraph 11.

12. Claimant admits the allegations in Paragraph 12.

13. Claimant admits the allegations in Paragraph 13.

14. Claimant admits the allegations in Paragraph 14.

The Consent Decree/Order and the First Condemnation Action

15. Claimant admits the allegations in Paragraph 15.

16. Claimant admits the allegations in Paragraph 16.

17. Claimant admits the allegations in Paragraph 17.
18. Claimant admits the allegations in Paragraph 18.
19. Claimant admits the allegations in Paragraph 19.

USDA FSIS' Post-Injunction-Order Investigative Findings and Product Detention

20. Claimant denies the allegations in Paragraph 20.
21. Claimant denies the allegations in Paragraph 21.
22. Claimant admits the allegations in Paragraph 22.
23. Claimant admits the allegations in Paragraph 23.
24. Claimant admits the allegations in Paragraph 24.
25. Claimant admits the allegations in Paragraph 25.
26. Claimant admits the allegations in Paragraph 26.
27. Claimant admits the allegations in Paragraph 27.
28. Claimant admits the allegations in Paragraph 28.
29. Claimant is without sufficient knowledge to form a belief as to the truth of the allegation that the one of the two detained beef heads was over 30 months old. Therefore, Claimant denies the allegations in Paragraph 29.
30. Claimant is without sufficient knowledge to form a belief as to the truth of the allegation that the one of the two detained beef heads was over 30 months old. Therefore, Claimant denies the allegations in Paragraph 30.
31. Claimant denies the allegations in Paragraph 31.

CLAIM FOR SEIZURE AND CONEMNATION

32. Claimant incorporates by reference as if fully stated here the averments contained in Paragraphs 1 through 31 of this Answer.
33. Claimant denies the allegations in Paragraph 33.

34. Claimant is without sufficient knowledge to form a belief as to the truth of the allegation that all the defendant poultry carcasses, chicken parts, beef carcass, beef heads, and hog carcasses were not slaughtered, processed and/or prepared under federal inspection. Therefore, Claimant denies the allegations in Paragraph 34.

35. Claimant is without sufficient knowledge to form a belief as to the truth of the allegation that all the defendant poultry carcasses, chicken parts, beef carcass, beef heads, and hog carcasses were not slaughtered, processed and/or prepared under federal inspection. Therefore, Claimant denies the allegations in Paragraph 35.

36. Claimant is without sufficient knowledge to form a belief as to the truth of the allegation that all the defendant poultry carcasses, chicken parts, beef carcass, beef heads, and hog carcasses were not slaughtered, processed and/or prepared under federal inspection. Therefore, Claimant denies the allegations in Paragraph 36.

CLAIMANT'S AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE (Failure to State a Cause of Action)

37. The Complaint for Seizure and Condemnation fails to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE (Good Faith)

38. Claimant acted in good faith at all times relevant to the Complaint.

THIRD AFFIRMATIVE DEFENSE (Estoppel)

39. The Government is estopped from obtaining a forfeiture judgment because it obtained the seizure warrant through incorrect, misleading, or incomplete allegations.

FOURTH AFFIRMATIVE DEFENSE (Bad Faith)

40. The Government cannot obtain a forfeiture judgment because it has not acted in good faith.

FOURTH AFFIRMATIVE DEFENSE
(Bad Faith)

41. Plaintiff's seizure of the defendant property violates the Claimant's Fourth Amendment right to be free from illegal searches and seizures.

RELIEF

42. WHEREFORE, this answering Complaint respectfully prays that the Court will:
- a. Dismiss the Government's Complaint and enter judgment on behalf of Claimant;
 - b. Deny issuance of a certificate of probable cause pursuant to 28 U.S.C.A. § 2465 and award cost and attorney's fees to the Claimant; and
 - c. Provide such relief as the Court deems proper and just.

Respectfully submitted,

THE LAFUENTE FIRM, PLLC

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ATTORNEY FOR CLAIMANT

CERTIFICATE OF SERVICE

By my signature, I, the undersigned attorney, attest that a true and correct copy of the foregoing was served the United States Attorney's Office according to the Federal Rules of Civil Procedure on Tuesday, September 7, 2021.

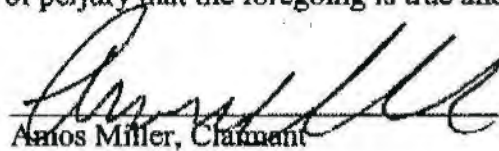
/s/ Steven Lafuente, Esq.
Steven Lafuente, Esq.

VERIFICATION

I, Amos Miller, hereby verify and declare under the penalty of perjury that I have read the foregoing Verified Answer to Verified Complaint for Seizure and Condemnation and know the contents thereof, and that the matters contained in the Answer are true to the best of my knowledge, information, and belief.

I hereby verify and declare under penalty of perjury that the foregoing is true and correct.

Date:

9-9-21
Amos Miller, Claimant